

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

UNITED STATES

VS.

NICHELLE HENSON

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DEFENDANT'S NOTICE TO THE COURT OF EXERCISING CONSTITUTIONAL
RIGHT TO LEAVE TRIAL PROCEEDINGS

COMES NOW, Defendant **Nichelle Henson**, appearing **pro se**, and hereby submits this formal **Notice to the Court** to document and preserve the record regarding the Defendant's **exercise of constitutional rights** in response to ongoing violations of due process, fundamental fairness, and the deprivation of rights under color of law.

I. NOTICE OF CONSTITUTIONAL VIOLATIONS

Defendant **objects to the continuation of these proceedings** and has **exercised their constitutional right to leave the courtroom** due to the following violations:

1. **Lack of Jurisdiction** – The Court is proceeding over a **civil matter disguised as a criminal case**, violating the Defendant's **due process rights under the Fifth and Fourteenth Amendments**. The **SBA loan agreement** at issue is a **contractual dispute**, and the proper venue for adjudication is a **civil court, not a criminal proceeding**.

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2. **Unlawful Pretrial Conditions & Coercion** – The imposition of **Pretrial Services conditions** in a **civil contractual matter** constitutes **an abuse of judicial discretion and a violation of the Defendant's constitutional rights**, including:
 - **Fourth Amendment** – Unlawful search and seizure of the Defendant's financial records and loan documents **without a warrant, probable cause, or judicial oversight**.
 - **Fifth Amendment** – Deprivation of due process through arbitrary restrictions on the Defendant's movement, access to financial institutions, and ability to defend against the allegations.
 - **Sixth Amendment** – Restrictions that limit the Defendant's **ability to conduct an effective defense**, including movement limitations, financial hardships, and the denial of fair legal recourse.
3. **Violation of Right to Know the Nature & Cause of Accusations** – The Defendant has been denied **fundamental due process** by the Court and the prosecution's **failure to clearly define the charges in a way that reflects a valid criminal offense**, as required by the **Sixth Amendment**. The **government has failed to demonstrate actual harm or loss**, making this a **victimless matter improperly prosecuted as a criminal case**.
4. **Prosecutorial Misconduct & Abuse of Power** – The **government's improper conduct** in this case includes:
 - Engaging in a **selective and retaliatory prosecution** despite clear contractual disputes.

- **Knowingly using financial misrepresentations** to prosecute a case while profiting from the **sale of SBA loans on the secondary market**.
 - Proceeding **without lawful jurisdiction** and continuing prosecution despite clear indications that this is **not a criminal matter**.
5. **Denial of Defendant's Right to Fair Proceedings & Self-Defense** – The Court has permitted proceedings to continue in an **unconstitutional manner**, imposing **coercion, duress, and unjust limitations** on the Defendant. Under these circumstances, the Defendant is entitled to **leave the courtroom to avoid further violations of constitutional protections**.

II. NOTICE OF EXERCISE OF CONSTITUTIONAL RIGHTS

Based on the foregoing violations, the Defendant has chosen to **exercise their constitutional right to leave the courtroom** in protest of the **unlawful deprivation of rights, jurisdictional violations, and the unjust nature of these proceedings**.

The Defendant asserts the following legal rights:

1. **Right to be free from unlawful prosecution** (Fifth & Fourteenth Amendments).
2. **Right to challenge jurisdiction and object to all proceedings** (Due Process Clause).
3. **Right to fair trial and access to proper legal remedies** (Sixth Amendment).
4. **Right to be free from coercion, duress, and compelled participation in an unconstitutional trial**.

The Defendant's departure from the courtroom **does not constitute an admission of guilt, contempt of court, nor an attempt to obstruct justice.** Instead, this action serves as a **formal objection to the unconstitutional nature of these proceedings.**

The Defendant formally requests that the Court acknowledge this **Notice on the Record** and take appropriate judicial action to:

1. **Declare this case a civil matter and remove it from criminal prosecution.**
2. **Order a full forensic audit of the financial transactions related to the Defendant's SBA loans.**
3. **GRANT an immediate stay of proceedings** in the U.S. District Court for the District of Maryland (Case No. MJM-21-470) pending appellate review and **pending the results of said audit.**
4. **DISMISS all charges** for lack of jurisdiction, as this is a **civil matter, not a criminal case.**
5. **DECLARE the Pretrial Services conditions unconstitutional and unenforceable.**
6. **CERTIFY the jurisdictional question for immediate resolution** before proceeding further.
7. **ACCEPT this interlocutory appeal** to determine whether the District Court **lacks jurisdiction.**
8. **Find that the DOJ violated its own prosecutorial guidelines** by pursuing criminal charges where **civil remedies were adequate** **Declare the SBA loan agreement rescinded, releasing Defendant from any repayment obligations.**

9. **Declare the Pretrial Services agreement rescinded, releasing Defendant from all obligations associated with pretrial supervision.**
10. **Order the SBA and/or its approved lender to cease collection efforts related to the loan.**
11. **Declare that any reported delinquency, default, or fraud allegations arising from the loan be expunged from Defendant's financial records.**
12. **Hold that the SBA's undisclosed sale of loan notes violated TILA and constituted a breach of contract.**
13. **Order that Pretrial Services cease all enforcement actions against Defendant.**
14. **Declare that the government's continued pursuit of these charges despite their own misrepresentations constitutes an abuse of discretion..**
15. **Grant such further relief as the Court deems just and proper**

III. PRESERVATION OF RECORD & RESERVATION OF RIGHTS

If the Court refuses to dismiss or stay this matter, then the Defendant formally preserves all objections for the record and reserves the right to challenge jurisdiction, appeal all rulings, and seek further relief in federal court.

Respectfully submitted,

Nichelle Henson, Pro Se

